

1  
2  
3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **SAN JOSE DIVISION**  
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 JASON LEVETTE WASHINGTON,

11 Defendant.

Case No. [18-xr-91153-BLF-1](#)

**ORDER REMANDING CASE FOR  
LACK OF SUBJECT MATTER  
JURISDICTION**

12  
13 On November 13, 2018, Defendant Jason Levette Washington (“Defendant”) filed a Notice  
14 of Removal, removing criminal case No. 18-cr-016860 from the Alameda County Superior Court  
15 to the Northern District of California under 28 U.S.C. § 1455(a). Not. of Removal, ECF 1. As it  
16 must, the Court has reviewed the Notice of Removal to determine whether Defendant has  
17 adequately established a basis for subject matter jurisdiction. *See Henderson v. Shinseki*, 562 U.S.  
18 428, 434 (2011) (“[F]ederal courts have an independent obligation to ensure that they do not  
19 exceed the scope of their jurisdiction, and therefore they must raise and decide jurisdictional  
20 questions that the parties either overlook or elect not to press.”); *see also Snell v. Cleveland, Inc.*,  
21 316 F.3d 822, 826 (9th Cir. 2002) (“[A] court may raise the question of subject matter jurisdiction,  
22 sua sponte, at any time during the pendency of the action, even on appeal.”). Defendant has failed  
23 to establish such a basis. The Notice of Removal does not “contain a short plain statement of the  
24 grounds for removal,” 28 U.S.C. § 1455(a); indeed, it fails to cite any legal or statutory authority  
25 whatsoever to support removal of this action. Based on the facts contained in the Notice, the  
26 Court is aware of no statute granting it jurisdiction over this removal. *Cf., e.g.*, 28 U.S.C. § 1442  
27 (allowing removal by federal officer or agency defendants); 28 U.S.C. § 1443(1) (allowing for  
28 removal of civil-rights, race-based claims).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, the Court REMANDS this case to the Alameda County Superior Court for lack of subject matter jurisdiction.

**IT IS SO ORDERED.**

Dated: November 14, 2018



BETH LABSON FREEMAN  
United States District Judge